

ENTERED

March 24, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOSEPH P. GARBARINI,

§

Plaintiff,

§

VS.

§

CIVIL ACTION NO. 2:20-CV-216

JANAS RANGEL, *et al.*,

§

Defendants.

§

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Julie K. Hampton's Memorandum and Recommendation ("M&R"), entered on January 12, 2022. (D.E. 72). The M&R recommends that the Court grant Defendants Angel Janas, Victor Quiroga, and Evelyn Castro's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). *Id.* Plaintiff timely filed objections to the M&R on February 17, 2022. (D.E. 74).

Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a *de novo* review of the portions of the M&R to which Plaintiff's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Plaintiff's objections in their entirety. (D.E. 74, p. 1–5). Accordingly, the Court:

- (1) **ADOPTS** the M&R. (D.E. 72).
- (2) Plaintiff's second amended complaint (D.E. 56) is **DISMISSED without prejudice**, as the Court lacks subject matter jurisdiction to grant Plaintiff's claim for injunctive and declaratory relief pursuant to 28 U.S.C. § 1983. *See In re Great Lakes Dredge & Dock Co., LLC*, 624 F.3d 201, 209 (5th Cir. 2010).

A final judgment will be entered separately.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
March 23rd, 2022